

To: DEQ Systèmes Corp. (eastdocket@holleymenker.com)

Subject: U.S. TRADEMARK APPLICATION NO. 85315751 - EZ PAI GOW - 1003.0019

Sent: 2/27/2013 10:31:23 AM

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85315751

MARK: EZ PAI GOW

85315751

CORRESPONDENT ADDRESS:

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HOLLEY & MENKER PA
PO BOX 331937
ATLANTIC BEACH, FL 32233-1715

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APPLICANT: DEQ Systèmes Corp.

CORRESPONDENT'S REFERENCE/DOCKET NO :

1003.0019

CORRESPONDENT E-MAIL ADDRESS:

eastdocket@holleymenker.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 2/27/2013

THIS IS A FINAL ACTION.

This Office Action is sent in response to the applicant's most recent correspondence, dated February 11, 2013. In the correspondence, the applicant contests a refusal and requirements issued by the examining attorney in an Office Action sent on November 15, 2012. The examiner had refused registration under Trademark Act §2(e)(1) and required clarification regarding the identifications and/or classifications of goods.

The applicant's arguments against the refusal and requirements are not successfully persuasive. Therefore, the refusal to register is maintained herein and made final.

Please note that the immediately previous action, a Notice of Incomplete Response sent on February 13, 2013, is now withdrawn as the applicant has demonstrated that the attorney responding on February 11 is part of the law firm representing applicant.

Refusal under Trademark Act Section 2(e)(1) – Mark is Merely Descriptive

Registration is refused because the applied-for mark, "EZ PAI GOW," merely describes the nature and features of the applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b). A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987). Moreover, a mark that identifies a group of users to whom an applicant directs its goods and/or services is also merely descriptive. TMEP §1209.03(i); *see In re Planalytics, Inc.*, 70 USPQ2d 1453, 1454 (TTAB 2004).

Three major reasons for not protecting descriptive marks are: (1) to protect only marks that are capable of being distinguished by consumers as indicators of unique source; (2) to prevent the owner of a descriptive mark from inhibiting competition in the marketplace; and (3) to avoid the possibility of costly infringement suits brought by the trademark or service mark owner. *In re Abcor Dev. Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978); TMEP §1209. Businesses and competitors should be free to use descriptive language when describing their own goods and/or services to the public in advertising and marketing materials. *See In re Styleclick.com Inc.*, 58 USPQ2d 1523, 1527 (TTAB 2001).

Analysis of the Applicant's Mark in the Context of the Identified Goods

In this case, the applicant seeks to register the mark "EZ PAI GOW" for goods related to gambling and gaming. The applicant's mark merely describes the nature and purpose of the goods.

The letters "EZ" in the mark are common shorthand for the word "easy", as shown by the previously attached evidence. The examining attorney attaches additional evidence, such as an entry from the *Random House* online dictionary, demonstrating the common use of these letters as an abbreviation for "easy". Finally, the examining attorney attaches numerous third-party registrations for marks for goods in Classes 9 and 28 – including for toys and games – that show treatment of the term as meaning "easy"

and therefore merely descriptive. These terms describe goods that are simple and clear to use, involve basic rules, and so forth. The term “EZ” thus describes characteristics and the purpose of the applicant’s goods in making the applicant’s games simple for consumers to play, such as with more basic or clearer rules.

The phrase “PAI GOW” is the common generic name for a type of casino game. The specimens for the applicant’s goods clearly show the goods being used to play this game. This wording is thus generic in the context of the goods.

The applicant’s own evidence, submitted in the Request for Reconsideration, reinforces that the wording in the mark is merely descriptive. First, it is noted that the game “is the only stand-alone commission free Pai Gow game in the market.” Further, a member of the industry is quoted as noting that “[the applicant’s game] is the only true non commission form of Pai Gow where the push mechanism is offset by a very enticing optional side bet.” Finally, the “easy” aspect of the game is reinforced by the description of the goods as featuring “a revolutionary method of accelerating the speed of Pai Gow poker by eliminating the 5% commission on winning hands.”

Taken together, the terms in the applicant’s mark are not inherently distinctive, but rather merely describe the nature and features of the goods. Consumers will not associate the mark with a particular source, but rather as simple information about the goods. Other entities must remain free to use such terms to describe the nature and purpose of similar goods.

The applicant argues that because opinions vary whether “PAI GOW” is simple or difficult, the term “EZ” in the mark is not merely descriptive. This argument is not persuasive. The standard is whether consumers believe that the term describes the applicant’s goods, not the general game of pai gow. Consumers could easily believe that the applicant’s mark describes features of the goods that make pai gow easier to play. Thus, in the context of the applicant’s goods, the term is merely descriptive.

For these reasons, registration remains refused.

Applicant’s §2(f) Claim of Acquired Distinctiveness is Insufficient

In its Request for Reconsideration, the applicant amended the application to assert acquired distinctiveness based on at least three years’ use of the mark in commerce as well as claiming substantial advertising expenditures and sales of the goods. However, the allegation is insufficient to show acquired distinctiveness because the applied-for mark is highly descriptive of applicant’s goods and/or services. *In re Kalmbach Publ’g Co.*, 14 USPQ2d 1490 (TTAB 1989); TMEP §1212.05(a). Additional evidence is needed.

When asserting a Trademark Act Section 2(f) claim, the burden of proving that a mark has acquired distinctiveness is on the applicant. *Yamaha Int’l Corp. v. Yoshino Gakki Co.*, 840 F.2d 1572, 1578-79, 6 USPQ2d 1001, 1004 (Fed. Cir. 1988); *In re Meyer & Wenthe, Inc.*, 267 F.2d 945, 948, 122 USPQ 372, 375 (C.C.P.A. 1959); TMEP §1212.01. Thus, applicant must establish that the purchasing public has come to view the proposed mark as an indicator of origin.

In the present case, applicant’s claim of acquired distinctiveness based on use in commerce is insufficient to show acquired distinctiveness of the mark for several reasons.

First, the length of applicant’s use – barely three and a half years at this point – does not generally

constitute a sufficient length of time such that the Trademark Office is willing to presume that consumers have had time to encounter a mark and become accustomed to associating the mark with a particular unique source. Even five years' worth of use may be insufficient in some cases where the mark is highly descriptive. TMEP §1212.05. Here, given the nature of the mark and a claim of barely three years' worth of use, the claim is insufficient.

Second, a claim of acquired distinctiveness based on substantially exclusive, continuous use is generally required to be supported by an affidavit or declaration signed by the applicant. TMEP §1212.05(d). The applicant does not provide a signed declaration.

Finally, the applicant's additional evidence supporting its claim is lacking in both persuasive weight and volume. The evidence of advertising and sales consists of only one document in the form of a press release. A press release, like an advertisement, does not necessarily demonstrate the applicant's success in educating the public to associate the mark with a single source. Rather, at best such evidence tends only to demonstrate efforts in this regard. TMEP §1212.06(b).

For these reasons, the applicant's evidence of acquired distinctiveness is insufficient and the claim under §2(f) is refused.

To support the claim of acquired distinctiveness, applicant may respond by submitting additional evidence. *In re Half Price Books, Records, Magazines, Inc.*, 225 USPQ 219, 220 n.2 (TTAB 1984); TMEP §1212.02(g). Such evidence may include specific dollar sales under the mark, advertising figures, samples of advertising, consumer or dealer statements of recognition of the mark as a source identifier, affidavits, and any other evidence that establishes the distinctiveness of the mark as an indicator of source.

See 37 C.F.R. §2.41(a); *In re Ideal Indus., Inc.*, 508 F.2d 1336, 184 USPQ 487 (C.C.P.A. 1975); *In re Instant Transactions Corp.*, 201 USPQ 957 (TTAB 1979); TMEP §§1212.06 *et seq.*

If additional evidence is submitted, the following factors are generally considered when determining acquired distinctiveness: (1) length and exclusivity of use of the mark in the United States by applicant; (2) the type, expense and amount of advertising of the mark in the United States; and (3) applicant's efforts in the United States to associate the mark with the source of the goods and/or services, such as unsolicited media coverage and consumer studies. *See In re Steelbuilding.com*, 415 F.3d 1293, 1300, 75 USPQ2d 1420, 1424 (Fed. Cir. 2005). A showing of acquired distinctiveness need not consider all these factors, and no single factor is determinative. *In re Steelbuilding.com*, 415 F.3d at 1300, 75 USPQ2d at 1424; *see* TMEP §§1212 *et seq.* The Office will decide each case on its own merits.

If applicant cannot submit additional evidence to support the claim of acquired distinctiveness, applicant may respond to the refusal by arguing in support of registration and/or amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. If applicant amends the application to the Supplemental Register, applicant is not precluded from submitting evidence and arguments against this refusal. TMEP §816.04.

The following requirements are also maintained and made final.

Identifications and Classifications of Goods Require Amendment

The wording used to describe portions of the applicant's goods needs clarification because it is indefinite and/or includes goods classified in different international classes. *See* TMEP §§1401 *et seq.*, 1402.01, 1402.03.

The Trademark Office requires a degree of particularity necessary to identify clearly goods and/or services covered by a mark. *See In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007). Descriptions of goods and services in applications must be specific, explicit, clear and concise. TMEP §1402.01; *see In re Cardinal Labs., Inc.*, 149 USPQ 709, 711 (TTAB 1966); *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm'r Pats. 1954). These requirements for specification of the particular goods and/or services apply to applications filed under all statutory bases. *See* 15 U.S.C. §§1051(a)(2), 1051(b)(2), 1053, 1126(d)-(e), 1141f; 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.01(b)-(c).

The application insufficiently describes the following goods:

- In Class 28, the wording “casino card games” remains indefinite and may be misclassified. In the context of casinos, it is unclear whether these are electronic games in the nature of slot or wager machines like video poker machines, or simple decks of cards. Both are used in casinos, and both are games featuring cards, but the ultimate natures of the goods are very different. The applicant must clarify the nature of the goods and classify them properly.

Contrary to the applicant’s arguments, it is not necessarily true that because “card games” is acceptably definite that the entry encompasses all card games if the games are electronic.

Electronic card games may fall into either Class 9 or Class 28 depending on whether the goods are merely the software programs for the games (Class 9) or the physical gaming devices/machines (Class 28). Thus, in addition to being simply indefinite because the nature of the goods is not clear, the goods may be misclassified.

If accurate, and inserting specific information where directed, the applicant may adopt any or all of the following identifications of goods. *See* TMEP §1402.01. PLEASE NOTE: The applicant has currently paid for any one (1) class of its choosing.

- Class 9: Electronic card game computer programs, namely, software for gaming machines including slot machines or video lottery terminals;
- Class 28: Gaming machines including slot machines or video lottery terminals for playing electronic card games; Card games; Card games for use in casinos; Card game accessories, namely, tables specially adapted for casino games; Gaming tables; Gaming table felt layouts for betting and instructions for playing card games, sold as a unit.

The applicant should note the following when amending the identifications and/or classifications.

- The applicant may use different wording of its own when amending the identifications and/or classifications of goods. The applicant must follow the guidelines discussed herein to ensure specificity and accuracy. Please note that while identifications of goods can be clarified or limited by amendment; adding to the goods or broadening the scope of the goods or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, the applicant may not amend the identification to include goods that are not within the scope of the present identification.
- Careful use of grammar, capitalization, and punctuation helps to clearly group or distinguish goods and services. Generally, **commas** should be used (1) to separate a series of related items or a series of descriptions of characteristics for a single overall category of goods or services (the term

“namely” often signifies such a list or series of many items or descriptions under a broader category). TMEP §1402.01(a). **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class. *Id.* For example, the identification of goods “cleaners, namely, glass cleaners, deodorizers for pets, cosmetics” is ambiguous because “cosmetics” and “deodorizers for pets” are not “cleaners,” and thus are not within this category of goods even though they are all in the same international class. *Id.* However, by replacing the commas with semicolons after “glass cleaners” and “deodorizers for pets,” this identification would become acceptable: “Cleaners, namely, glass cleaners; Deodorizers for pets; Cosmetics.” *Id.*

- The applicant must be as complete and specific as possible and avoid the use of indefinite words and phrases. *See* TMEP §§1402.01, 1402.03(a). If applicant uses indefinite wording, such as “accessories,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems,” “products,” “services in connection with,” “such as,” “including,” “and like services,” “concepts,” or “not limited to,” to refer to goods or services, such words must be followed by “namely,” followed by a list of the specific goods or service activities identified by their common commercial names.
- Periodically the Office revises its international classification system and the policies regarding acceptable identifications of goods and services. Identifications are examined in accordance with Rules of Practice and Office policies and procedures in effect on the application filing date. 37 C.F.R. §2.85(e)(1); TMEP §1402.14. Descriptions of goods and services found in earlier-filed applications and registrations are not necessarily considered acceptable identifications when a later-filed application is examined. *See* TMEP §§702.03(a)(iv), 1402.14. **For guidance on writing identifications of goods and/or services and classifying them properly, please use the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>, which is continually updated in accordance with prevailing rules and policies.** *See* TMEP §§702.03(a)(iv), 1402.04.

Requirements for Multiple-Class Applications

For an application with more than one international class, called a “multiple-class application,” an applicant must meet all the requirements below for those international classes based on use in commerce:

- (1) **LIST GOODS AND/OR SERVICES BY INTERNATIONAL CLASS:** Applicant must list the goods and/or services by international class.
- (2) **PROVIDE FEES FOR ALL INTERNATIONAL CLASSES:** Applicant must submit an application filing fee for each international class of goods and/or services not covered by the fee(s) already paid (confirm current fee information at http://www.uspto.gov/trademarks/tm_fee_info.jsp).
- (3) **SUBMIT REQUIRED STATEMENTS AND EVIDENCE:** For each international class of goods and/or services, applicant must also submit the following:
 - (a) **DATES OF USE:** Dates of first use of the mark anywhere and dates of first use of the mark in commerce, or a statement that the dates of use in the initial application apply to that class. The dates of use, both anywhere and in commerce, must be at least as early as the filing date of the application.
 - (b) **SPECIMEN:** One specimen showing the mark in use in commerce for each international

class of goods and/or services. Applicant must have used the specimen in commerce at least as early as the filing date of the application. If a single specimen supports multiple international classes, applicant should indicate which classes the specimen supports. Examples of specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the actual goods or packaging, or displays associated with the goods at their point of sale. *See* TMEP §§904.03 *et seq.* Examples of specimens for services are signs, photographs, brochures, website printouts, or advertisements that show the mark used in the actual sale or advertising of the services. *See* TMEP §§1301.04 *et seq.*

(c) STATEMENT: The following statement: “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**”

(d) VERIFICATION: Applicant must verify the statements in 3(a) and 3(c) (above) in an affidavit or signed declaration under 37 C.F.R. §2.20. Verification is not required where (1) the dates of use for the added class are stated to be the same as the dates of use specified in the initial application, and (2) the original specimens are acceptable for the added class(es).

See 15 U.S.C. §§1051(a), 1112, 1127; 37 C.F.R. §§2.32(a)(5), 2.34(a)(1), 2.56(a), 2.71(c), 2.86(a), 2.193(e)(1); TMEP §§1403.01, 1403.02(c).

With respect to the specimen requirement in 3(b) above in which a specimen is required for each international class of goods, the specimens of record are acceptable for International Class 28 only. Applicant must submit additional specimens if different international classes are added to the application.

RESPONDING TO A FINAL OFFICE ACTION

The Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements;
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

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All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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No commission - Faster to play - Easier to deal

Speed is the name of the game

Collect all of the commissions in one quick step and get MORE HANDS PER HOUR with EZ Pai Gow™. This unique Pai Gow game replaces the taking of the commission on every player's winning hand by "barring" one hand, a dealer's Queen High Pai Gow called the Queen's Dragon. This exciting side bet pays 50:1!

How to Play

The game is dealt exactly the same as the current Pai Gow game with the difference that the commission is removed from the game. When the dealer gets a Queen High Pai Gow then the player's main bets push, regardless of if they would have won or lost. A Pai Gow is a seven card hand that does not have a pair or better. This hand is known as a single high card hand.

If the Dealer's hand is a Pai Gow with the Highest card being a Queen, then the player's wager on the base game will be a "push". The appearance of this hand is called the "Queen's Dragon". Players can make an insurance bet against that hand showing. The Queen's Dragon bet wins if the dealer is dealt a Queen High Pai Gow. The bet loses on all other outcomes.

Choose from any of the optional wagers
to make the game the right fit for your casino!

DYNASTY BONUS SIDE BET

WINNING HAND	PAYOUT	ENVY
Ace-5 Natural Straight Flush with A0 Suited	2000:1	\$500
Seven Card Natural Straight Flush	2000:1	\$400
Royal Flush With A0 Suited	1000:1	\$300
Seven Card Wild Straight Flush	1000:1	\$200
Fives Aces	500:1	\$100
Ace-5 Natural Straight	120:1	\$75
Royal Flush	120:1	\$50
Straight Flush	50:1	\$20
Four of a Kind	25:1	\$5
Full House	4:1	---
Flush	3:1	---
Three of a Kind	2:1	---
Straight	---	---

House Edge: 0.85% to 3.63% (depending on the number of players betting the envy minimum)

PROTECTION SIDE BET

WINNING HAND	PAYOUT
A - 5 Natural Straight Flush	120:1
9 - High Pai Gow	100:1
10 - High Pai Gow	25:1
Jack - High Pai Gow	15:1
Queen - High Pai Gow	7:1
King - High Pai Gow	5:1
Ace - High Pai Gow	3:1

House Edge: 7.01%

QUEEN'S DRAGON SIDE BET

WINNING HAND	PAYOUT
Queen High Pai Gow	50:1
House Edge: 10.02%	

PROGRESSIVE PAI GOW POKER



This progressive payable uses the G3™ multi credit wagering side betting system. It allows the player to bet multiple credits either on its own hand as well as on the dealer's hand. We also have incorporated all the mystery prizes that are standard to the G3 system such as the Lucky Player™, the Lucky Dealer™ and the Magic Card™.

HAND

7 Card Straight Flush	100% of jackpot
5 Aces	10% of jackpot
Royal Flush	500 for 1
Straight Flush	75 for 1
Four of a Kind	50 for 1
Full House	4 for 1
Lucky Player	5 for 1
Lucky Dealer	5 for 1
Magic Card	20 for 1

Average Jackpot: \$54,553
House Edge: 25%

PAY TABLE

100% of jackpot	676,060 to 1
10% of jackpot	136,650 to 1
500 for 1	5,908 to 1
75 for 1	835 to 1
50 for 1	501 to 1
4 for 1	37 to 1
5 for 1	38 to 1
5 for 1	38 to 1
20 for 1	288 to 1

HAND ODDS

676,060 to 1	5.649%
136,650 to 1	2.795%
5,908 to 1	8.464%
835 to 1	11.979%
501 to 1	14.961%
37 to 1	10.869%
38 to 1	13.333%
38 to 1	13.333%
288 to 1	6.991%

RETURN %

676,060 to 1	5.649%
136,650 to 1	2.795%
5,908 to 1	8.464%
835 to 1	11.979%
501 to 1	14.961%
37 to 1	10.869%
38 to 1	13.333%
38 to 1	13.333%
288 to 1	6.991%

Minimum Seed Amount: \$10,000
Hit Frequency: 5.97% (1 in 16.8)

EZ TRAK™ LCD SYSTEM

EZ TRAK for EZ PAI GOW is an LCD-based system integrating two exciting features to enhance the performance of EZ PAI GOW. Firstly, the random number generator determines which player gets the first set of cards, and similar to the very popular EZ Baccarat™ version, the system also tracks the occurrence of the side bet called the Queen's Dragon™. EZ TRAK enhances your players' experience by providing important information needed to place their bets.

QUEEN'S DRAGON TRACKING WITH EZ TRAK

EZ TRAK will provide players with the information they need to track the popular Queen's Dragon side bet. A Queen's Dragon occurs on average once every 57 hands and pays 50 to 1 with a house edge of 10.02%.

EZ TRAK for EZ PAI GOW key features include:

- Number of hands since the last Queen's Dragon hit.
- Customizable display of the various paytables.
- Attractive meter indicating that the Queen's Dragon might occur very soon according to the odds.
- Table Game Min and Max Amounts are integrated into the LCD display to eliminate the need for additional signage.
- Customized promotional messages can be displayed when table is not operational.



DEQ DIGITAL
ENTERTAINMENT

DEQ Systems Corp. is a global provider of gaming technology in over 30 countries. Protected by more than 20 patents in 50 countries, DEQ specializes in progressive and random bonus systems for table games. DEQ's innovation and ingenuity has been to replace the single dollar coin slot and sensor with its internationally award winning G3™ technology. The G3 incorporates multiple credit betting, dealer hand betting and mystery bonus. DEQ also commercializes technology and patents including the award winning baccarat revolution, EZ Baccarat™ and related auxiliary products such as EZ Trak™. DEQ is and will continue to lead innovation in the table game bonus segment of the global gaming market.

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United States Office
7235 Bermuda Rd., Suite G
Las Vegas, Nevada
USA 89119

DEQ

DIGITAL
ENTERTAINMENT

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Home

Table Games


G3 Progressive System

Progressive Paytables


Real Link

Baccarat Tracking


Baccarat Shoe




EZ BACCARAT



EZ PAI GOW



CARIBBEAN STUD
POKER



LUCKY LUCKY

OVERVIEW

Product Information

How to Play

Game Math

DOCUMENTATION

EZ Pai Gow Brochure

GAME ROOM

Learn to Play!

PRODUCT OVERVIEW

Speed is the name of the game!

Collect all of the commissions in one quick step and get MORE HANDS PER HOUR with EZ Pai Gow.

This unique Pai Gow game replaces the taking of the commission on every player's winning hand by "barring" one hand, a dealer's Queen High Pai Gow called Queen's Dragon. This exciting side bet pays 50:1!

- No commission means less errors and more hands per hour
- Queen's Dragon side bet pays 50:1
- Optional action side bets with the award winning G3™ system

Learn to Play! ▶

Terms of Use

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Get Support

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Print: Feb 27, 2013

75412444

TYPED DRAWING

Serial Number

75412444

Status

REGISTERED AND RENEWED

Word Mark

E-Z

Standard Character Mark

No

Registration Number

2225724

Date Registered

1999/02/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Bachmann Industries, Inc. CORPORATION PENNSYLVANIA 1400 East Erie
Avenue Philadelphia PENNSYLVANIA 19124

Goods/Services

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: toy
train sets; toy trains; accessories for toy trains, namely toy train
tracks and couplers for toy railway carriages. First Use: 1994/01/00.
First Use In Commerce: 1994/04/00.

Prior Registration(s)

2053073;2061990

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

1997/12/31

Examining Attorney

KOVALSKY, LAURA

Print: Feb 27, 2013

75412444

Attorney of Record

Roberta Jacobs-Meadway

Print: Feb 27, 2013

76611738

DESIGN MARK

Serial Number

76611738

Status

SECTION 8-ACCEPTED

Word Mark

EZ-CHANGE

Standard Character Mark

No

Registration Number

3131312

Date Registered

2006/08/15

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

ROKITECHNO CO., LTD. CORPORATION JAPAN 6-20-12, Minamioi, Shinagaw-ku
Tokyo JAPAN

Goods/Services

Class Status -- ACTIVE. IC 007. US 013 019 021 023 031 034 035. G
& S: Filters for parts of machines or engines consisting of a
cylindrical housing and a filter cartridge for use in filtering and
removing solid impurities from liquids used in the electronics and
chemical industries. First Use: 2003/04/07. First Use In Commerce:
2003/04/07.

Foreign Country Name

JAPAN

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

072467/2004

Foreign Filing Date

Print: Feb 27, 2013

76611738

2004/08/05

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2004/09/16

Amended Register Date

2006/05/25

Examining Attorney

RIRIE, VERA BETH

Attorney of Record

Donald W. Hanson

Ez-Change

Print: Feb 27, 2013

77154314

DESIGN MARK

Serial Number

77154314

Status

REGISTERED

Word Mark

E-Z CLOSE PACKS

Standard Character Mark

Yes

Registration Number

3407488

Date Registered

2008/04/01

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

KRAFT FOODS GLOBAL BRANDS LLC LIMITED LIABILITY COMPANY DELAWARE THREE LAKES DRIVE NORTFIELD ILLINOIS 60093

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Confectionery, namely, chewing gum. First Use: 2007/12/10. First Use In Commerce: 2007/12/10.

Prior Registration(s)

3099503

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PACKS" APART FROM THE MARK AS SHOWN.

Filing Date

2007/04/11

Amended Register Date

2008/01/11

Print: Feb 27, 2013

77154314

Examining Attorney

DUBRAY, KATHERINE M.

Attorney of Record

Elisabeth Stewart Bradley,

E-Z CLOSE PACKS

Print: Feb 27, 2013

77188037

DESIGN MARK

Serial Number

77188037

Status

REGISTERED

Word Mark

EZ RELEASE

Standard Character Mark

Yes

Registration Number

3342319

Date Registered

2007/11/20

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Yeu Yueh Enterprise Co., Ltd. CORPORATION TAIWAN Chen Hsing Road No.
12, Alley 111, Lane 437, Taichung TAIWAN

Goods/Services

Class Status -- ACTIVE. IC 006. US 002 012 013 014 023 025 050. G
& S: tie-down anchors, cargo bars for trucks, buckles for straps,
strap hooks and rings, and strap fittings, all for tying down and
positioning cargo and all made of metal, buckles of common metal,
metal hooks, metal strapping or tie downs. First Use: 2006/10/19.
First Use In Commerce: 2006/10/19.

Filing Date

2007/05/23

Amended Register Date

2007/09/13

Examining Attorney

STRASER, RICHARD A

EZ RELEASE

Print: Feb 27, 2013

77378778

DESIGN MARK

Serial Number

77378778

Status

REGISTERED

Word Mark

EZ-POUR SIDE-LOK

Standard Character Mark

Yes

Registration Number

4020957

Date Registered

2011/09/06

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Steele, Mark INDIVIDUAL UNITED STATES 1007 Lexington Ave. N. New
Prague MINNESOTA 56071

Goods/Services

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.
G & S: Plastic or paper bags for household use; Plastic bags for
packaging. First Use: 2003/01/01. First Use In Commerce: 2003/01/01.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2008/01/23

Examining Attorney

SHIH, SALLY

Attorney of Record

Scott G. Ulbrich

EZ-POUR SIDE-LOK

Print: Feb 27, 2013

77617134

DESIGN MARK

Serial Number

77617134

Status

REGISTERED

Word Mark

E-Z DRAW

Standard Character Mark

Yes

Registration Number

3662198

Date Registered

2009/07/28

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Gunhide Properties, LLC LIMITED LIABILITY COMPANY NEW YORK 431 Bayview
Avenue Amityville NEW YORK 11701

Goods/Services

Class Status -- ACTIVE. IC 013. US 002 009. G & S: Holsters.
First Use: 1998/00/00. First Use In Commerce: 1998/00/00.

Filing Date

2008/11/18

Amended Register Date

2009/06/15

Examining Attorney

TOOLEY, DAVID

Attorney of Record

Bennet K. Langlotz

E-Z DRAW

DESIGN MARK

Serial Number

77651311

Status

REGISTERED

Word Mark

EZ TWIST TOP

Standard Character Mark

Yes

Registration Number

3836601

Date Registered

2010/08/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Restek Corporation CORPORATION PENNSYLVANIA 110 Benner Circle
Bellefonte PENNSYLVANIA 16875

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Laboratory equipment, namely, an injection port for gas
chromatography. First Use: 2006/02/24. First Use In Commerce:
2006/02/24.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2009/01/16

Examining Attorney

COOPER, CHRISTINE

EZ Twist Top

Print: Feb 27, 2013

77856134

DESIGN MARK

Serial Number

77856134

Status

REGISTERED

Word Mark

EZ KLEAN

Standard Character Mark

Yes

Registration Number

3851841

Date Registered

2010/09/21

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

VM Products Inc. CORPORATION TEXAS P.O. Box 211385 Bedford TEXAS 76095

Goods/Services

Class Status -- ACTIVE. IC 021. US 002 013 023 029 030 033 040 050.
G & S: bait stations for rodents. First Use: 2003/12/05. First Use
In Commerce: 2003/12/05.

Filing Date

2009/10/23

Amended Register Date

2010/07/28

Examining Attorney

LORENZO, KATHLEEN

Attorney of Record

Alicia Morris Groos

EZ KLEAN

DESIGN MARK

Serial Number

78355988

Status

REGISTERED

Word Mark

EZ PHARMACY

Standard Character Mark

Yes

Registration Number

2926097

Date Registered

2005/02/08

Type of Mark

SERVICE MARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Sievright, Andrew INDIVIDUAL UNITED STATES 7700 Irvine Center Drive,
#635 Irvine CALIFORNIA 92618

Goods/Services

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Online
retail store services featuring prescription medication. First Use:
2004/01/21. First Use In Commerce: 2004/01/21.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE PHARMACY APART FROM THE
MARK AS SHOWN.

Filing Date

2004/01/22

Amended Register Date

2004/09/15

Examining Attorney

STEPLIGHT, CHERYL

Print: Feb 27, 2013

78355988

Attorney of Record

Christopher J. Day

EZ PHARMACY

Print: Feb 27, 2013

78453873

DESIGN MARK

Serial Number

78453873

Status

SECTION 8-ACCEPTED

Word Mark

EZ-CHEW

Standard Character Mark

Yes

Registration Number

3058314

Date Registered

2006/02/07

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

EZ-MED HOLDINGS, INC. CORPORATION FLORIDA 180 DOUGLAS AVENUE OLDSMAR
FLORIDA 34677

Goods/Services

Class Status -- ACTIVE. IC 031. US 001 046. G & S: Pet food,
namely, treats. First Use: 2005/08/30. First Use In Commerce:
2005/08/30.

Filing Date

2004/07/21

Amended Register Date

2005/12/09

Examining Attorney

FINNEGAN, TIMOTHY

Attorney of Record

Gerald T. Shekleton

EZ-CHEW

DESIGN MARK

Serial Number

78558859

Status

SECTION 8-ACCEPTED

Word Mark

EZ WEIGH

Standard Character Mark

Yes

Registration Number

3081024

Date Registered

2006/04/11

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Fischbein LLC LIMITED LIABILITY COMPANY DELAWARE 151 Walker Road
Statesville NORTH CAROLINA 28625

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Net-weigh scale systems, comprised of a bagging scale and control
package, for bagging and weighing dry products. First Use:
2002/04/04. First Use In Commerce: 2002/04/04.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WEIGH" APART FROM THE
MARK AS SHOWN.

Filing Date

2005/02/02

Examining Attorney

BELZER, LYDIA

Attorney of Record

Larry L. Saret

EZ WEIGH

Print: Feb 27, 2013

85008520

DESIGN MARK

Serial Number

85008520

Status

REGISTERED

Word Mark

EZ MARINADER

Standard Character Mark

Yes

Registration Number

3876888

Date Registered

2010/11/16

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

H. J. HEINZ COMPANY CORPORATION PENNSYLVANIA ONE PPG PLACE, SUITE 3100
PITTSBURGH PENNSYLVANIA 15222

Goods/Services

Class Status -- ACTIVE. IC 030. US 046. G & S: Pouch containing
marinades and/or spices for marinating meats, fish, poultry and/or
vegetables. First Use: 2003/04/23. First Use In Commerce:
2003/04/23.

Prior Registration(s)

2883354

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2010/04/07

Examining Attorney

BRACEY, KAREN

Print: Feb 27, 2013

85008520

Attorney of Record

Sabrina J. Hudson

EZ MARINADER

Print: Feb 27, 2013

85113770

DESIGN MARK

Serial Number

85113770

Status

REGISTERED

Word Mark

E-Z PULL

Standard Character Mark

Yes

Registration Number

3954188

Date Registered

2011/05/03

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Schreiber Foods, Inc. CORPORATION WISCONSIN 425 Pine Street Green Bay
WISCONSIN 54301

Goods/Services

Class Status -- ACTIVE. IC 017. US 001 005 012 013 035 050. G & S:
Plastic films used as packaging for food. First Use: 2004/02/10.
First Use In Commerce: 2004/02/10.

Prior Registration(s)

2968973

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2010/08/23

Examining Attorney

PINO, BRIAN

Attorney of Record

Print: Feb 27, 2013

85113770

Tori Lynne Kluess

E-Z PULL

Print: Feb 27, 2013

85248463

DESIGN MARK

Serial Number

85248463

Status

REGISTERED

Word Mark

EZ PREPAID

Standard Character Mark

Yes

Registration Number

4017391

Date Registered

2011/08/23

Type of Mark

SERVICE MARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

EZ Prepaid LLC DBA EZ Prepaid LLC LIMITED LIABILITY COMPANY MARYLAND
6816 Reisterstown RD Baltimore MARYLAND 21215

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Prepaid card services in the nature of making payment for adding airtime to prepaid or pay-as-you-go wireless services. First Use: 2011/02/10. First Use In Commerce: 2011/02/10.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PREPAID" APART FROM THE MARK AS SHOWN.

Filing Date

2011/02/22

Examining Attorney

CROWLEY, SEAN

EZ Prepaid

Print: Feb 27, 2013

85276565

DESIGN MARK

Serial Number

85276565

Status

REGISTERED

Word Mark

EZCASE

Standard Character Mark

Yes

Registration Number

3991391

Date Registered

2011/07/05

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Baker Hughes Incorporated CORPORATION DELAWARE P.O. Box 4740 Houston
TEXAS 772104740

Goods/Services

Class Status -- ACTIVE. IC 007. US 013 019 021 023 031 034 035. G
& S: Drill Bits and parts therefor, for earth formation drilling.
First Use: 2004/02/01. First Use In Commerce: 2004/02/01.

Filing Date

2011/03/25

Examining Attorney

WYNNE, MORGAN

Attorney of Record

Timothy M. Donoughue

EZCASE

Print: Feb 27, 2013

85457695

DESIGN MARK

Serial Number

85457695

Status

REGISTERED

Word Mark

E Z

Standard Character Mark

Yes

Registration Number

4164253

Date Registered

2012/06/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

ARRIS, LLC DBA Sigma Design International PARTNERSHIP DELAWARE 5521
Jackson Street Alexandria LOUISIANA 71303

Goods/Services

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:
Computer software for the collection, editing, organizing, modifying,
book marking, transmission, storage and sharing of data and
information; Computer software for interactively viewing and editing
computer graphic files, including both two dimensional and three
dimensional Computer Aided Design drawings and models, via a global
computer network. First Use: 2000/03/01. First Use In Commerce:
2000/06/15.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2011/10/27

Examining Attorney

SHARMA, NAPOLEON

EZ

DESIGN MARK

Serial Number

85476301

Status

REGISTERED

Word Mark

EZ SET

Standard Character Mark

No

Registration Number

4274289

Date Registered

2013/01/15

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Tong Lung Metal Industry Co., Ltd. CORPORATION TAIWAN No. 62,
Chung-Hsiao 1st St., Hou-Hu Li Chia-Yi City TAIWAN

Goods/Services

Class Status -- ACTIVE. IC 006. US 002 012 013 014 023 025 050. G
& S: Locks of metal other than electric, metal locks, door locks made
of metal, door lock keys made of metal, metal security lock cylinders,
blank keys of metal, fire-insulating door locks of metal, lock
cylinders of metal. First Use: 1993/02/01. First Use In Commerce:
1993/02/01.

Prior Registration(s)

1440423;3044057;3044061

Description of Mark

The mark consists of the terms "EZ SET" in a stylized font.

Colors Claimed

Color is not claimed as a feature of the mark.

Section 2f Statement

Print: Feb 27, 2013

85476301

2(F) ENTIRE MARK

Filing Date

2011/11/18

Examining Attorney





RINKER, ANTHONY

Attorney of Record

John E. McKie

ezset

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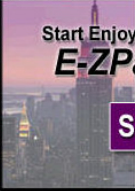


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February 27, 2013

Start Enjoying
E-ZPass® Benefits Today!

SIGN UP NOW!



- * Save Time
- * Use Dedicated E-ZPass Lanes
- * Auto-Replenish Your Account



New toll rates will be in effect at MTA Bridges and Tunnels beginning March 3, 2013. Please [click here](#) for more information.

You may access your account on the web, or call 1-800-333-TOLL (8655) to use our automated system for account inquiries and general E-ZPass® New York information.

If you have been issued a new license plate or purchased a new vehicle, please be sure to update your E-ZPass® account with the latest information.


HAVE YOU UPDATED?
Click here to update your account whenever your address, credit card, or vehicle information changes.


AVOID DELAYS


Click here if you have received an MTA B&T TOLL BILL

A five-month project currently under way on I-95 Cross Bronx Expressway may cause New Jersey-bound delays approaching the GWB. A new traffic pattern will be in effect. Consider alternate routes and call 511 or check www.511NY.org or www.511NJ.org for current traffic information. Visit www.dot.ny.gov/AHB for project details.

E-ZPass New York account holders may be eligible for a resident or other discount plan. Please [click here](#) to view a list of available plans. Proof of eligibility may be mailed to PO Box 149001, Staten Island, NY 10314-9001 or faxed to 718-313-9701

[MTA Bridges & Tunnels](#)

[New York State Thruway Authority](#)
[New York State Bridge Authority](#)
[Buffalo and Fort Erie Public Bridge Authority \(Peace Bridge\)](#)

[Port Authority of NY & NJ](#)

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February 27, 2013

[E-ZPass® INFO](#)

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E-ZPass® is an electronic toll collection (ETC) system.

E-ZPass® is an electronic toll collection (ETC) system that allows you to prepay your tolls, eliminating the need to stop at the toll plaza. The system has three components: a toll tag, which is placed inside your vehicle; an overhead antenna, which reads the toll tag and collects the toll; and video cameras to identify toll evaders.

The E-ZPass® system maintains your usage and account balance. An account statement itemizing your toll usage and account balance will be sent to you through the mail or emailed to you. You may also check your account balance using our automated telephone system by calling 1-800-333-TOLL(8655). In addition, a driver feedback display in most toll lanes will display messages, such as "low balance," when your account reaches a pre-set threshold.

For cash/check accounts, each time the prepaid toll balance drops below the low-balance threshold amount, a "low balance" message will be displayed in most toll lanes as a reminder that the account needs to be replenished soon. Credit card accounts will be automatically charged for the replenishment amount. After the account has been established for 35 days, replenishment amounts are re-evaluated every 90 days and adjusted, if necessary, to reflect current use patterns. Replenishment amounts are calculated to equal one month of average use, based on use over the previous 90 days. Replenishment amounts can vary and timing of replenishment is not always consistent.

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To: DEQ Systèmes Corp. (eastdocket@holleymenker.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85315751 - EZ PAI GOW - 1003.0019
Sent: 2/27/2013 10:31:23 AM
Sent As: ECOM104@USPTO.GOV
Attachments:

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